

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES FRANKLIN ADAIR,
Plaintiff,
v.
JOSHUA NAKKEN, *et al.*,
Defendants.

Case No. 2:24-cv-00578-JDP (PC)

ORDER

DIRECTING PLAINTIFF EITHER TO FILE
AN APPLICATION TO PROCEED *IN*
FORMA PAUPERIS OR THE REQUIRED
FILING FEE

Plaintiff, a state inmate proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has not, however, filed an *in forma pauperis* affidavit or paid the required filing fee of \$350.00 plus the \$55.00 administrative fee.¹ See 28 U.S.C. §§ 1914(a), 1915(a). Plaintiff will be provided the opportunity either to submit the appropriate affidavit in support of a request to proceed *in forma pauperis* or to submit the required fees totaling \$405.00.

Plaintiff is cautioned that the *in forma pauperis* application form includes a section that must be completed by a prison official, and the form must be accompanied by a certified copy of plaintiff's prison trust account statement for the six-month period immediately preceding the filing of this action.

¹ If leave to file *in forma pauperis* is granted, plaintiff will still be required to pay the filing fee but will be allowed to pay it in installments. Litigants proceeding *in forma pauperis* are not required to pay the \$55.00 administrative fee.


1 In accordance with the above, IT IS HEREBY ORDERED that:

2 1. Plaintiff shall submit, within thirty days from the date of this order, an affidavit in
3 support of his request to proceed *in forma pauperis* on the form provided by the Clerk of Court,
4 or the required fees in the amount of \$405.00; plaintiff's failure to comply with this order will
5 result in a recommendation that this action be dismissed; and

6 2. The Clerk of Court is directed to send plaintiff a new Application to Proceed In Forma
7 Pauperis By a Prisoner.

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9 IT IS SO ORDERED.

10 Dated: March 18, 2024

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12 JEREMY D. PETERSON
13 UNITED STATES MAGISTRATE JUDGE
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